

VZCZCXRO5143  
PP RUEHAG RUEHROV  
DE RUEHCV #2367/01 3522240  
ZNY CCCCC ZZH  
P 182240Z DEC 07  
FM AMEMBASSY CARACAS  
TO RUEHC/SECSTATE WASHDC PRIORITY 0320  
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY  
RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY  
RUMIAAA/HQ USSOUTHCOM MIAMI FL PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 002367

SIPDIS

SIPDIS

HQSOUTHCOM ALSO FOR POLAD  
DEPT PASS TO AID/OTI RPORTER

E.O. 12958: DECL: 12/18/2017  
TAGS: [PHUM](#) [PGOV](#) [VE](#)  
SUBJECT: NATIONAL ASSEMBLY APPOINTS LOYALISTS AS NEW HUMAN  
RIGHTS OMBUDSMAN, ATTORNEY GENERAL, COMPTROLLER

REF: CARACAS 02269

CARACAS 00002367 001.2 OF 002

Classified By: POLITICAL COUNSELOR ROBERT DOWNES  
FOR REASON 1.4 (D)

¶1. (C) Summary. The National Assembly (NA) appointed new members to the "Public Power" branch of government on December 13. Gabriela Ramirez will serve as Human Rights Ombudsman, Luisa Ortega Diaz as Attorney General, and Clobosbaldo Russian will serve a second seven-year term as Comptroller. Opposition political party Un Nuevo Tiempo (UNT) and the judicial NGO Foro Penal plan to appeal the NA's appointments, citing irregularities in the selection process. Other human rights organizations including PROVEA and the Venezuelan Prison Observatory (OVP) also criticized the process, but announced their intention to work with the appointed officials. Ramirez, Ortega, and Russian are widely considered to be loyal, partisan supporters of President Chavez. End Summary.

-----  
Loyalists Make Up Moral Council  
-----

¶2. (SBU) The National Assembly (NA) appointed new members to the "Public Power" branch of government, also known as the Moral Republican Council (CMR), for seven-year terms on December 13. Gabriela Ramirez will serve as Human Rights Ombudsman, Luisa Ortega Diaz as Attorney General, and Clobosbaldo Russian will serve a second term as Comptroller. A selection committee submitted the names of three potential candidates for each position to the NA on November 27 (Reftel). Deputies then had 30 days to make their final selections.

¶3. (SBU) Gabriela Ramirez, the new Human Rights Ombudsman, is a NA deputy and president of the NA's Committee on Families, Women, and Youth. She has a degree in social work from the Central University of Venezuela. She served as national coordinator for the Positive Middle Class Movement (Clase Media en Positivo), a pro-Chavez civil society organization. As a deputy, she led the process to reform the Law for the Protection of Children and Adolescents and the Law for the Promotion and Protection of Breast Feeding, both of which are pending approval by the Venezuelan president.

¶4. (SBU) Human rights organizations and opposition political parties have criticized her nomination, saying she lacks experience to assume such a high-level position within the

government. PROVEA and the Venezuelan Prison Observatory (OVP) questioned her independence, citing her recent involvement in the "Zamora Command," the organization tasked with getting out the "Yes" vote during Chavez' failed attempt to reform the constitution, and her membership in Chavez' United Social Party of Venezuela (PSUV).

15. (SBU) Attorney General Luisa Ortega Diaz replaces outgoing Isaias Rodriguez, rumored to be her cousin. Ortega received a degree in Criminal Law from the University of Carabobo. She was the legal advisor for the state-owned television station Venezolana de Television (VTV) and the Ministry of Interior and Justice. She currently works as a public prosecutor at the Attorney General's office. Following the death of public prosecutor Danilo Anderson, Ortega assumed his pending cases. She has also presided over several high profile cases, including the so-called Yumare massacre where nine activists were killed by state security forces, the case against those who signed the Carmona Decree during the short-lived coup against President Chavez in April 2002, and the pending, but inactive case against the electoral NGO Sumate for receiving foreign funding.

16. (SBU) Monica Fernandez, former judge and director of the judicial NGO Foro Penal, has harshly criticized the disproportionate amount of high profile cases assigned to Ortega. According to Foro Penal, the Attorney General's office has over 1200 judges but only 10 judges preside over the majority of the cases; Ortega is one of them.

17. (SBU) Clobosbaldo Russian will serve a second term as Comptroller. Russian was first selected for the position in 1999. He previously served as comptroller for the Libertador Burough of Caracas and the Federal District of Caracas. Mercedes De Freitas, director of the international NGO Transparency International, questioned the NA's decision to renew Russian's mandate. De Freitas argued that Russian has

CARACAS 00002367 002.2 OF 002

done little to curb rampant corruption within the government. She argued that Russian's re-election demonstrates that the NA lacks the "political will" to combat corruption.

-----  
Podemos, Communist Party Dissent  
-----

18. (SBU) Podemos and Communist Party (PCV) deputies expressed their dissatisfaction with the selection process during the December 13 vote. Podemos, the small pro-government party that registered with the "No" bloc during the referendum campaign, walked out on the vote, calling the selection process unconstitutional. The PCV did not oppose the measure, but publicly noted its disappointment with the NA's selection of Russian to a second term of office.

-----  
Opposition and NGOs Split on How to Respond  
-----

19. (SBU) Opposition political parties and NGOs differed in their response to the NA's appointments. Opposition party Un Nuevo Tiempo (UNT) and the judicial NGO Foro Penal told the media they plan to appeal the appointments early next year. Alfredo Romero, spokesperson for Foro Penal, and VIVE, a victims of state-sponsored violence advocacy network, filed a complaint with the Supreme Court in order to impede the appointees from assuming their positions in January 2008. Romero, who ran unsuccessfully for Human Rights Ombudsman, argued that the selection process lacked transparency. He noted that the nomination committee was headed by the NA's Second Vice President Robert Hernandez even though the law stipulates that the NA is only supposed to intervene in the process after the committee completes its review process. Romero also argued that civil society organizations were largely marginalized from the selection process. Similarly

Gerardo Blye, Secretary General of Un Nuevo Tiempo, announced that his party will petition the NA to declare its appointments null and void because the candidates do not meet the professional qualifications specified in the Constitution.

¶10. (C) Other human rights organizations, however, have opted to approach the matter differently. PROVEA and the OVP, for instance, have also decried the selection process, but announced December 15 that they plan to reach out to the appointed officials in order to establish working relationships. During a press conference to announce the release on PROVEA's annual report on human rights December 10, Marino Alvarado, president of PROVEA, noted that in the seven years Mundarain has served as Ombudsman he has repeatedly declined requests to meet with PROVEA, one of the country's leading human rights organizations.

-----  
Comment  
-----

¶11. (C) The National Assembly's decision to appoint Ramirez, Ortega, and Russian to the Moral Council is a source of concern primarily because of candidates' close, pre-existing partisan ties to the BRV. Interestingly, human rights organizations, which generally assume a common position, have publicly expressed divergent responses. While PROVEA and OVP's reaction is meant as a sign of openness, it is highly unlikely that the new members of the Moral Council will show a corresponding willingness to work with human rights organizations.

DUDDY